



THE CITY OF NEW YORK  
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(not for service)

February 11, 2022

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *M.K obo E.K. v. New York City of Department of Education, et al.*,  
20-CV-4321 (PAE)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Education ("DOE"), New York City Board of Education, and DOE Chancellor David C. Banks in the above-referenced action.

I write jointly with Plaintiffs' counsel to respectfully request: (1) a 60-day extension of time for the parties to submit their Joint Pretrial Order ("JPTO") and file any motions *in limine* to allow the parties to continue to focus their efforts on resolving the matter, particularly in light of the settlement conference before Magistrate Judge Gorenstein scheduled for March 18, 2022 (*see* ECF No. 54); and (2) adjourn the case management conference before Your Honor scheduled for February 28, 2022, at 11:00 a.m., until a date after the settlement conference before Judge Gorenstein. This is the fourth request for an adjournment of the case management conference and the first request for an extension of time to submit the pretrial submissions.

Pursuant to the Civil Case Management Plan and Scheduling Order dated May 4, 2021 (ECF No. 40), the deadline for the parties to submit their JPTO and file any motions *in limine* is February 14, 2022. The reason for the requested enlargement is that the parties are currently in active settlement negotiations, and we are optimistic that we can creatively resolve the issues, or at least, significantly narrow the issues presented. The extension of time, therefore, will enable the parties to continue in their efforts at resolving the matter without having to expend their limited resources on drafting, exchanging, and reviewing the pretrial submissions. In the event the parties cannot fully resolve the matter prior to or at the March 18, 2022

settlement conference, the extension will enable the parties to turn their focus to preparing the JPTO and motions *in limine*. Adjourning the case management conference until a date after the settlement conference will also allow the parties to have a more informed discussion with the Court regarding any issues that remain.

Accordingly, the parties respectfully request that the Court grant: (1) an extension of time, until April 15, 2022, to submit their JPTO and file any motions *in limine*; and (2) an adjournment of the case management conference scheduled for February 28, 2022, at 11:00 a.m., until a date after the March 18, 2022 settlement conference.

The parties thank the Court for its consideration of the within.

Respectfully submitted,

s/

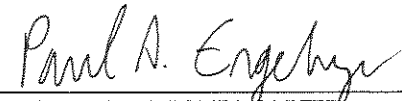
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Philip S. Frank  
Assistant Corporation Counsel

cc: All counsel (via ECF)

The Court appreciates and encourages the parties' efforts to creatively resolve the issues in this case. However, the Court notes that Judge Gorenstein had scheduled a conference for February 18, 2022, before this case management conference, which was adjourned for one month at the request of the parties. Dkts. 53, 54. Accordingly, no further adjournments of the case management conference will be granted absent extraordinary circumstances.

The Court hereby adjourns the case management conference currently scheduled for February 25, 2022 at 11 a.m. until April 5, 2022 at 4 p.m. At that conference, the Court will set a schedule for pretrial submissions. SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge  
2/11/22